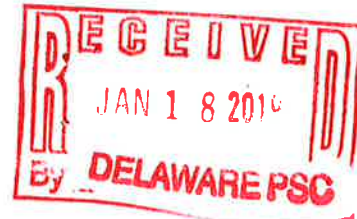


January 9, 2019

Mr. Jerry Platt
Delaware State Public Commission
861 Silver Lake Blvd., Suite 100
Dover, DE 19904



RE: Territorial Service Boundary
TMP # 531-12.00-40.00

Dear Mr. Platt,

Pursuant to Docket 34, Annexation of Boundaries, the City of Seaford requests that our electrical service territorial boundary be changed to include the following parcel of land, annexed into the City of Seaford on January 8, 2019:

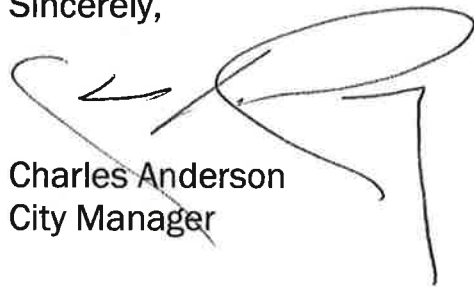
- Tax Map and Parcel # 531-12.00-40.00 consisting of 8.34 +/- square foot parcel

This parcel is located at 24960 Dairy Lane, Seaford, DE, 19973.

An annexation committee report, survey, map, legal description and the Ordinance approving the annexation are enclosed.

If you need any additional information or documentation regarding this annexation, please feel free to contact me at 302-629-9173.

Sincerely,



Charles Anderson
City Manager



EXISTING: 137,730 SF (3.16 AC)
PROPOSED: 137,730 SF (3.16 AC)

[illegible]

SCALED.
ENGINEERING

Scaled Engineering Inc.
20348 Coastal Highway
Rehoboth Beach, DE 19711
Phone (202) 230-3600

BOUNDARY SURVEY



November 132, 2018

The Honorable David C. Genshaw
Mayor
City of Seaford
Seaford, DE 19973

Dear Mayor Genshaw,

We, a Committee appointed by you on October 9th, 2018 to investigate the possibility of annexing certain lands into the City of Seaford limits, would like to present the following report:

PETITIONER AND LOCATION OF LANDS:

Petitioner:	Wheaton's Incorporated 24960 Dairy Lane Seaford, DE 19973
Owner:	Wheaton's Incorporated 24960 Dairy Lane Seaford, DE 19973
Sussex County Tax Map Address:	Parcel # 531-12.00-40.00 24960 Dairy Lane Seaford, DE 19973
Total Acreage:	8.34 +/-

REASON FOR ANNEXATION

The submitted annexation paperwork dated September 24th, 2018 states that the property petitioner's reason for requesting annexation is to obtain City utilities and City policing.

STREETS AND ROADWAYS:

The property identified for annexation is located adjacent to West Stein Highway and contains commercial buildings and other ancillary facilities. The Department of Transportation must approve any new or revised entrances on the roadway listed above, as it is State maintained. Any proposed development has the potential of imposing additional traffic on the adjoining roads and intersections. Anyone planning to develop any project on this land is encouraged to contact the Delaware Department of Transportation prior to formulating their plans or purchases. The parcel proposed for annexation is shown on the attached Sussex County Tax Map. The City of Seaford does not expect to construct any new streets to accommodate development of this land.

STORM WATER DRAINAGE:

There is a municipal storm water system in close proximity to these lands. A storm water line serving the Sussex Avenue Extended, Atlanta Road and Nylon Blvd areas of the City exists in an easement area located to the north of the subject property. The outfall of the storm water piping discharges to Chapel Branch west of the site. Any storm water management system to serve these lands will have to be designed by the developer and approved by the Sussex Conservation District office. As in all projects, the regulations require the site to discharge the same quantity of storm water post-development as the property discharges pre-development. The prevailing regulations of the Sussex County Soil Conservation District will be imposed on this project.

ZONING:

The proposed area of annexation is zoned as listed:

TMP#: 531-12.00-40.00

Current Sussex County Zoning: General Business

Requested City of Seaford Zoning: C-2 Highway Commercial District.

The City of Seaford Council may have to zone the land through the City's Municipal Code following annexation, pending legal advice.

ELECTRIC:

Currently the subject parcel receives electrical service from Delmarva Power. Upon annexation the City will amend its service territory agreement with Delmarva Power through the Public Service Commission to include the annexed lands. Any development after the amendment of that agreement would be serviced by the City of Seaford. Current City policy is to plan for effective growth by working out phasing plans with developers that accommodate development in the most cost-effective manner possible. All electrical design will be completed at the cost of the developer in accordance with City rules and regulations.

SEWER:

The City of Seaford currently has a gravity sewer main near the subject property. This facility services the Seaford Apartment's development located east of the subject lands. The City of Seaford municipal sewer system is the only publicly owned system in the area. Once annexed these lands would be eligible to be tied into the municipal sewer system. The extension of sewer mains and the construction of lift stations (if required) are considered a part of the project development cost and the owner should give careful review and consideration for sewer connections. Connection of any new buildings located on the site will be contingent on approved connection plans and available capacity of the wastewater treatment system. The City of Seaford's wastewater treatment plant's capacity is 2.0 M gallons per day for secondary treatment and nutrient limitations; current average daily flows are approximately 1.1 MGD. The estimated daily flows from the site would have to be provided to the City. Planning of the service mains would have to be performed by the owner and approved by the City prior to any construction. The owner would be expected to pay all associated fees. The Building Official will develop a fee assessment for the project upon request with proper information provided.

The owners and/or developers should prepare professional engineering studies to confirm the cost of extending sewer collector mains, and if needed the installation of a sewage lift station on the basis of inadequate fall for gravity mains. The system should be studied from the point of discharge into the system to the point of treatment at the plant. All improved properties are expected to be served by the municipal sewer system within one year of annexation, or as soon as development occurs.

The City of Seaford's current practice is for the developer or owner to extend mains that are sized for the project needs. The City reserves the right to review plans and oversize mains and/or lift stations at their cost to extend sewer service to other areas they designate.

A final review will be made by the City to determine sewer concentrations of the proposed discharge to the municipal system. In some cases, pretreatment may be required prior to discharge. This will be determined once the use of the lands is identified. All final fees will be assessed and permits for connecting to the municipal sewer system will be issued by the City Building Official.

WATER:

The City of Seaford has an existing water main near the subject property. A 10" water main is located in the Sussex Avenue Extended and Tull Drive right-of-way adjacent to the site. In addition, a 10" water main exists in the West Stein Highway right-of-way south of the subject parcel. The City's water supply is sufficient to support development. However, the necessary distribution system extension (water tap) to the new development would have to be provided by the developer. Planning of the service connections would have to be performed by the owner of the lands and approved by the

City prior to any connection. The owner would be expected to pay all associated construction and connection fees.

EASEMENTS:

The owner will need to provide the City the necessary easements prior to acceptance of any streets, water mains, sewer mains, and electric installations (if applicable). These should include a survey sealed by a licensed Delaware surveyor with a written legal description of lands being given. The easement document must stipulate that no permanent structures can be built within the easement area(s).

PROPERTY TAX:

The lands will be taxed based on the City assessment following the annexation. The assessment would be based on the value of the land and improvements as per City zoning. The current designated land use by the Sussex County Tax Assessment office is as follows:

TMP#: 531-12.00-40.00
Commercial

No real estate property taxes can be determined until City assessment occurs. The City hires a professional assessor to determine the value of assessment on lands. Therefore, staff cannot advise as to any potential tax billings for the subject lands. These will be based on improvements and land values that are subject to change per improvements and changes in zoning. The City's current real estate property tax rate is \$0.31 per \$100.00 of 100% assessment based on 2008 market values. There is an exemption for non-profit entities. A final review and approval must be granted by the Tax Assessor of the City of Seaford

COMPREHENSIVE PLANS REVIEW

The City of Seaford Comprehensive Plan

The Annexation Plan designates the subject property in the Town Center District. The proposed revision to the Land Use Plan identifies the area that the subject property is located in as commercial. The requested zonings of C-2 per City Zoning regulations would be consistent with the objectives of the plan.

Copies of the above referenced maps are attached hereto.

ADVANTAGES TO THE CITY:

These are not listed in any particular order of priority:

1. The City may benefit from an increased tax base.

2. There is the opportunity to provide utility services (electricity, water and sewer) to the parcel and spread the cost of service over a larger user base. It will allow the City to be positioned to serve additional lands adjacent but not in the City by the extension of the utilities to this property.
3. There is local control of development at the local municipal level by having authority over it; being able to implement the municipal codes to maintain the property based on complaints received.
4. This area would be served by the Municipal Police force, which will reduce property owner confusion and minimize dispatcher time (currently the area is serviced by the State Police, which is confusing to the property owners who have a Seaford address but are not within the City limits).
5. The governing body that will be the most impacted by the land use decisions will be making those decisions.
6. This is in keeping with Livable Delaware and minimizing sprawl.
7. The incorporation of this property into the City limits would eliminate an "enclave" of non-annexed County land surrounded (on two sides) by Municipal land.

DISADVANTAGES TO THE CITY:

These are not listed in any particular order of importance:

1. With continued growth, the City will have to expand personnel to provide all of the expected services.
2. The expansion may increase the operating and capital budgets. In addition, it will increase the area for City departments to serve.
3. Traffic may increase on area roads in the event that a redevelopment of the property occurs.
4. If the property redevelops, accidents could increase without improvements to the adjoining roads and intersections. A traffic plan should be prepared if development is planned.
5. There will be an added number of requests to the City for reviews of plans, service extensions, Code, and Police services.

ADVANTAGES TO THE AREA PROPOSED FOR ANNEXATION:

This is not intended to be inclusive of all of the advantages, but to be a represented sampling of some of the advantages to the area proposed for annexation.

1. The area will receive all utility services from one owner so coordination of services will be less complicated.
2. They will be provided local police protection with anticipated shorter response time.
3. All permitting will be coordinated through the City.
4. Support will be provided in obtaining other agency permits.
5. Checklist will be provided for development.

6. The local government will do the zoning of the lands.
7. Snow removal on all City owned public streets, leaf and limb pickup at the curb, and maintenance, such as paving, pavement markings, etc., on the City streets will be provided by the City.
8. All complaints will be made to the City.
9. The property owners will receive local representation for concerns through the elected officials who have to live in the community.
10. They will benefit from the municipal water and sewer services, once extended by the owner.

DISADVANTAGES TO THE AREA PROPOSED FOR ANNEXATION:

1. They will have to adhere to local codes and ordinances, in building and maintaining facilities, which may be perceived as additional paperwork and more restrictive.
2. They will have only one vendor for utilities – water, sewer and electric.
3. They will have to adhere to more restrictive codes in placement of outside storage and appearance of property.

RECOMMENDATION:

The committee members unanimously agree to proceed with the proposed annexation process for this property. The committee members further recommend that the property be zoned C-2 Highway Commercial, in accordance with the City Zoning Ordinance upon annexation.

PUBLIC HEARING:

A Public Hearing will be held to fully explain what area is being proposed to be annexed into the City of Seaford. As part of the State of Delaware's Land Use Planning Act, the Plan of Services information will be submitted to the State of Delaware Planning Office for all State agencies to review and submit comments to the City.

DISCLAIMER:

The annexation committee reviews solely the annexation of lands into the territorial limits of the City of Seaford. They do not review projects for any endorsement as part of the annexation process. Any projects that may be presented for the land once they are annexed into the City of Seaford will follow the normal process for development, including Planning and Zoning and City Council Public Hearings to allow the public the opportunity to comment on the project proposal.

If you have any additional questions, feel free to contact me.

Respectfully Submitted,
THE CITY OF SEAFORD

A handwritten signature in cursive script, appearing to read "Leanne Phillips-Lowe".

Councilwoman Leanne Phillips-Lowe

A handwritten signature in cursive script, appearing to read "William Mulvaney".

Councilman H. William Mulvaney

BK03576 000018626
PG000065

RETURN TO:
Wheaton's, Inc.
24960 Dairy Lane
Seaford, DE 19973

Tax Map #: 5-31 12.00 40.00
PREPARED BY:
Procino Wells, LLC
Attorneys At Law
225 High Street
Seaford, DE 19973
File No. 108-99/DEC

THIS DEED, made this 30th day of April, 2008,

- BETWEEN -

THE SHOPPES AT DAIRY LANE, LLC, a DE Limited Liability Company, of 6143
Galveston-DE Line Road, Seaford, DE 19973, party of the first part,

- AND -

WHEATON'S, INC., a Delaware corporation, of 24960 Dairy Lane, Seaford, DE 19973,
party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum
of NINE HUNDRED SIXTY FIVE THOUSAND DOLLARS 00/100 (\$965,000.00), lawful
money of the United States of America, the receipt whereof is hereby acknowledged, hereby
grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the
following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain piece, parcel and tract of land lying and being known as Residual Area
of Lands of Earl B. Tull, Jr. and Jean T. Ricks Minor Subdivision, said Subdivision Plot of
record in the office of the Recorder of Deeds in and for Sussex County in Plot Book 76 page 290,
situate in Seaford Hundred, Sussex County, Delaware, described more particularly as follows, to
wit:

BEGINNING at a rebar set on the Northerly right of way of Route 20 and being a corner
for this lot and lot 1 on said Plot; thence with Route 20 along a curve to the left having a radius
of 3681.98 feet, delta 04 degrees 57 minutes 16 seconds an arc of 318.38 feet, a chord of 318.28
feet and a bearing of South 75 degrees 34 minutes 00 seconds West to a concrete monument
found; thence with lands of Benjamin H. Tull & Cecil B. Tull and Virginia E. Thawley, North 07
degrees 07 minutes 00 seconds West a distance of 826.06 feet to a concrete monument found;
thence turning and with lands of Virginia E. Thawley, North 79 degrees 15 minutes 00 seconds
East a distance of 636.46 feet to a concrete monument found; thence with lands of Tull Bros.,
Inc., South 04 degrees 44 minutes 27 seconds East a distance of 357.36 feet to a rebar set; thence
with Lot 1, South 79 degrees 54 minutes 40 seconds West a distance of 323.94 feet to a rebar set;
thence with Lot 1, South 09 degrees 30 minutes 07 seconds a distance of 452.40 feet home to the
point and place of beginning, said to contain 8.34 acres of land, be the same more or less, as

JW


EK03574 000018626
PG00066

shown on a plot title Earl B. Tull, Jr. and Jean T. Ricks Minor Subdivision, dated July 29, 2002 as prepared by Temple-Sellers, Inc.

Being the same lands conveyed to The Shoppes at Dairy Lane, LLC by Deed of Gary B. Johnston and Karen Tull Johnston, dated December 10, 2002, and recorded in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 2783, page 143.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

SIGNED, SEALED, DELIVERED
and witnessed in the presence of:


Witness


Witness

THE SHOPPES AT DAIRY LANE, LLC
a Delaware limited liability company

By:  (SEAL)
GARY B. JOHNSTON, Member-Manager

By:  (SEAL)
KAREN T. JOHNSTON, Member-Manager

STATE OF DELAWARE :

SUSSEX COUNTY :

Consideration: \$965000.00 Exempt Code: A
ss. County 14475.00 State 14475.00 Total 28950.00
counter Date: 05/09/2008

BE IT REMEMBERED, that on this 30th day of April, 2008, personally came before me the Subscriber, a Notary Public in and for the State and County aforesaid, GARY B. JOHNSTON and KAREN T. JOHNSTON, Members-Managers of THE SHOPPES AT DAIRY LANE, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed, and the act and deed of the said limited liability company; that the signature of the Member-Managers are in their own proper handwriting, and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by resolution of the Member-Managers of the said limited liability company.

SWORN TO AND SUBSCRIBED before me the day and year first above written.

RECEIVED

MAY 12 2008

RECORDER OF DEEDS
JOHN F. BRADY
05/09/2008 11:29A
ASSESSMENT DIVISION
SUSSEX COUNTY
OF SUSSEX COUNTY DOC. SURCHARGE PAID


Notary Public
Printed Name: MICHELE PROCONO-WELLS
My Commission Expires: Delaware Attorney At Law with
Power to act as Notary Public
per 29 Del C § 4323(a)(3)

NB# 1
1-8-19

ORDINANCE 2019-A1

An Ordinance Annexing an 8.34+/- acre Parcel located at
24960 Dairy Lane, Seaford, DE 19973, owned by Wheaton's Incorporated
Tax Map 531-12.00-40.00

WHEREAS, the City of Seaford has been requested to annex the lands set forth in Exhibit A, attached hereto, by the owner of the area proposed to be annexed; and

WHEREAS, the requested annexation and zoning complies with the City of Seaford Comprehensive Land and Future Land Use Map; and

WHEREAS, after a thorough review of the findings submitted by the City of Seaford Annexation Committee and the Council of the City of Seaford desires to extend the city boundary lines to include said tract of land.

NOW, THEREFORE, THE CITY OF SEAFORD HEREBY ORDAINS:

Section 1. The present boundary of the City of Seaford, as presently established, is hereby extended to include by annexation all those certain tracts of land consisting of an 8.34+/- acre Parcel, as the same is shown on a plan denoted Exhibit A, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. The hereinto described 8.34+/- acre Parcel of land is hereby zoned C-2 Highway Commercial District.

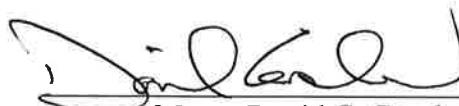
Section 4. Said area once annexed will be included in the geographical and political subdivision of the City of Seaford.

Section 5. The City Building Official is hereby directed to secure the description and plot of the territory to be recorded in the Office of the Recorder of Deeds in Sussex County, Delaware, in accordance with the Charter of the City of Seaford.

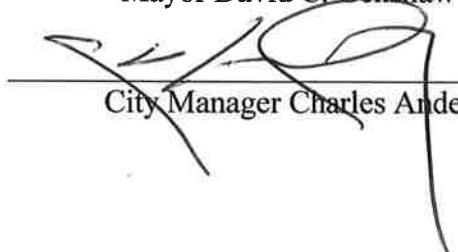
Section 6. This ordinance, introduced on the 8th day of January, 2019, is hereby adopted by an affirmative vote of at least two-thirds of the members of City Council this 8th day of January 2019.

SEAL

Attest:



Mayor David C. Genshaw



City Manager Charles Anderson